

PATENT
Docket No. 514442001200
Clt Ref: MBI-0032

10/9/01

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Assistant Commissioner for Patents, Washington, D.C. 20231, on September 28, 2001.

LILIA OLSEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Pierre BROUN

Serial No.: 09/810,836

Filing Date: March 16, 2001

For: METHOD FOR MODIFYING A
BIOSYNTHETIC PATHWAY

Examiner: To Be Assigned

Group Art Unit: 1635

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REVOCATION OF PRIOR POWER OF ATTORNEY AND
POWER OF ATTORNEY AND PROSECUTION BY ASSIGNEE
UNDER 37 C.F.R. § 3.71

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

MENDEL BIOTECHNOLOGY, INC., the assignee of the entire right, title and interest in this patent application, hereby revokes all Powers of Attorney previously granted relating to this application and appoint as its attorneys or agents, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith:

Lisa A. Amii (Reg No. 48,199)
Mehran Arjomand (Reg No. P48,231)
Sanjay S. Bagade (Reg No. 42,280)
Erwin J. Basinski (Reg No. 34,773)
Richard R. Batt (Reg No. 43,485)
Jonathan Bockman (Reg No. 45,640)
Barry E. Bretschneider (Reg No. 28,055)
Nicholas Buffinger (Reg No. 39,124)
Mark R. Carter (Reg No. 39,131)
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Todd W. Wight (Reg No. 45,218)
David T. Yang (Reg No. 44,415)
George C. Yu (Reg No. 44,418)

all of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, telephone: (415) 268-7000, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all communications relative to this application to:

Michael R. Ward
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482

Please direct all telephone communications to Michael R. Ward at (415) 268-6237.

MENDEL BIOTECHNOLOGY, INC.
a California corporation

Dated: September 21, 2001

William Goure

Name: William Goure
Title: Vice President
Address: 21375 Cabot Boulevard
Hayward, CA 94945



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PTO/SB/96 (10-92)

Docket No. 514442001200

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

In the application of: **PIERRE BROUN**

Serial No.: **09/810,836**

Filed: **March 16, 2001**

For: **METHOD FOR MODIFYING A BIOSYNTHETIC PATHWAY**

ASSIGNEE, MENDEL BIOTECHNOLOGY, INC. a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From : *

To: *

The document was recorded in the Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.

2. From : *

To: *

The document was recorded in the Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.

3. From : *

To: *

The document was recorded in the Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignment as filed or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 9/28/01

Name: MICHAEL R. WARD
Title: AGENT FOR ASSIGNEE

ASSIGNMENT SOLE

THIS ASSIGNMENT, by **PIERRE BROUN** (hereinafter referred to as the assignor), residing at
921 Sunnyvale, San Mateo, witnesseth:

WHEREAS, said assignor has invented certain new and useful improvements in **METHOD FOR
MODIFYING A BIOSYNTHETIC PATHWAY**, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/810,936 and filed on March 16, 2001; and

WHEREAS, **MENDEL BIOTECHNOLOGY, INC.**, a corporation duly organized under and pursuant to the laws of California and having its principal place of business at **21375 Cabot Boulevard, Hayward, CA 94945** (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

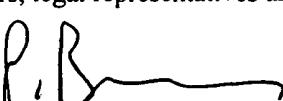
NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor hereby requests the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee*, its successors, legal representatives and assigns.

Date


PIERRE BROUN